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CONTEMPORARY FORMS OF SLAVERY

Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22

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Introduction

1. The Commission on Human Rights, in adopting the Programme of Action for the Elimination of the Exploitation of Child Labour (resolution 1993/79, annex), recommended that all States should adopt, as a matter of priority, the necessary legislative and administrative measures to implement the Programme of Action at the national and international levels, and requested the Sub-Commission to submit to it every two years a progress report on the implementation of the Programme of Action by all States.

2. In its resolution 2001/14 (para. 38), the Sub-Commission requested the Secretary-General to invite States to inform the Working Group on Contemporary Forms of Slavery of measures adopted to implement the Programme of Action and to submit a report thereon to the Sub-Commission at its fifty-fourth session.

3. In order that the Working Group might examine this matter at its twenty-seventh session, the Secretary-General sent notes verbales to Governments requesting the desired information. As of 13 May 2002, replies had been received from the Governments of Cyprus, Guatemala and Germany.

REPLIES RECEIVED FROM GOVERNMENTS

Cyprus

[Original: English]
[10 May 2002]

1. In Cyprus the protection of children and young persons at work is safeguarded by the Protection of Young Persons at Work Law No. 48(I)2001, which is fully in line with both the European Union Directive 94/33/EC on the protection of young people at work and the provisions of the European Social Charter, article 7, paragraph 8, concerning the right of children and young persons to protection.

2. Furthermore, the Government of Cyprus has ratified on 17 January 2000 by Law No. 31(III)2000 ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

3. According to the Protection of Young Persons at Work Law:

(a) The employment of children (under 15 years of age) is prohibited;

(b) The employment of a child is allowed for the purposes of performance in cultural, artistic, sports or advertising activities, on condition that the activities are not harmful to his/her safety, health or development and provided that a relevant licence is granted by the Minister of Labour and Social Insurance. Moreover, a child who is at least 14 years of age and has successfully completed the gymnasium cycle (i.e. lower-level secondary education), or has been released from his/her obligation to attend school after approval from the Ministry of Education and Culture on the basis of the Primary and Secondary Education (Compulsory and Free of

Charge Education) Law can be placed, after special licence granted by the Minister of Labour and Social Insurance, in a combined work/training programme with the purpose of learning a trade.

4. Furthermore, the above-mentioned law:

(a) Defined the maximum hours of work of children (36 hours in one week or 7¼ hours in one day) and of young persons (38 hours in one week or 7¾ hours in one day);

(b) Provides for breaks of at least 30 consecutive minutes where the daily working time of young people is more than four and a half hours;

(c) Prohibits the employment of children at night in any occupation.

5. Finally, according to the Ordinary and Secondary Education (Compulsory and Free Education) Law, education is compulsory until the pupil completes a gymnasium cycle or reaches the age of 15.

6. According to the provisions of the above-mentioned law, any person who breaches children's rights at work is guilty of an offence and shall be liable to a fine not exceeding 3,000 pounds or to imprisonment for a term not exceeding six months, or both.

7. According to the records of the Ministry of Labour and Social Insurance, there have been no recent cases of violation of children's rights at work.

Germany

[Original: English]
[18 July 2001]

1. As regards the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, the Federal Government refers to its reply to question 19 of the list of questions drafted by the United Nations Committee on Economic, Social and Cultural Rights (E/C.12/Q/GER.1) and to the comments made in the fourth periodic report on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/C.12/4/Add.3, paras. 152-159).

2. Germany is about to ratify ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. With regard to article 6, which provides for the adoption of programmes of action against the worst forms of child labour, a draft memorandum submitted by the Federal Government to parliament states the following: "Due to the fact that the worst forms of child labour have been prohibited by law for years, there is basically no need for programmes of action to eliminate as a priority the worst forms of child labour. However, the Federal Government adopted a Programme of Work against

child abuse, child pornography and sex tourism in July 1997 which is currently being updated. But the worst forms of child labour are not a societal problem in Germany. If at all, there are individual cases which are punished in the course of the supervisory process."

3. On 21 February, the Federal Government decided to propose to parliament (the Bundestag and Bundesrat) that Germany ratify ILO Convention No. 182. It expects that the parliamentary debates will be completed early enough so that it will be possible to deposit the instrument of ratification before the end of the year.

Guatemala

[Original: Spanish]
[2 May 2002]

1. The problem of child labour is a highly complicated, multifarious, worldwide phenomenon whose effects extend to the well-being of children and young people in Guatemala. It is very difficult to work out how many Guatemalan children and teenagers are engaged in economic activity since such work is illegal and invisible. Much such work endangers their health, exposing them to a variety of risks at the workplace such as long hours, stress and difficult conditions, besides preventing or making it difficult for them to attend school and thus depriving them of the opportunity to grow up to be competitive on the labour market for want of training and instruction.

2. The National Institute of Statistics conducted a survey of family income and expenditure in 1998-1999, revealing that at least 821,875 children aged between 7 and 14, or 34.1 per cent of all Guatemalan children in that age range, worked. The 1994 population census produced a figure of 644,569 children aged between 14 and 18 who were working, 70 per cent of the entire age group.

3. Poverty among Guatemalan families, low minimum wages, adult unemployment and underemployment, the widespread acceptance of child labour, the lack of universally available basic social services, and new forms of business organization involving subcontracting and work at home are among the factors that come into play and facilitate early incorporation of children into the workforce.

4. This is a problem of concern not only to the Ministry of Labour but to the State as a whole. Guatemala undertook in 1990 to ratify the Convention on the Rights of the Child and ILO Convention No. 138 concerning Minimum Age for Admission to Employment. It went on to step up this policy, and in 1996 signed a memorandum of understanding with ILO and undertook to put into effect the National Plan for the Eradication of Child Labour. By so doing, the country joined the ILO International Programme on the Elimination of Child Labour (IPEC).

5. Since then, there have been constant efforts to stamp out child labour and protect teenage workers, as part of a general drive in basic social policy to expand coverage, with policies on assistance for vulnerable groups, the creation of productive employment opportunities for adults and the provision of basic health and education services, besides initiatives to improve the quality of life for Guatemalans. Nationwide consultations with the various sectors of society

were held in 1999, at the prompting of the Ministry of Labour and Social Security, with technical and financial backing from IPEC, UNICEF, Save the Children Norway and the German Agency for Technical Cooperation (GTZ).

6. Under the heading of these nationwide consultations, 21 workshops attended by representatives of indigenous groups, employers' organizations, trade unions, governmental and non-governmental organizations and teenage workers, were held in the different departments of the country, and five in the capital. More than 2,000 leaders took part, and from these there emerged 120 delegates who represented them at the National Forum to validate the proposals put forward during the consultation exercise.

7. Subsequently, under the Administration of President Alfonso Portillo, a technical commission reporting to the Ministry of Labour and Social Security through its Unit for the Protection of Minors at Work was set up in early 2000 to launch the National Plan with the existing inputs, supplemented by the Government's Master Scheme for Social Policy, 2000-2004, and the work plans of the Ministries of health, education, labour, etc.

8. The National Plan proposes a national policy concentrating on the prevention and eradication of child labour and the protection of teenage workers. It amounts to one extra component of poverty alleviation efforts and depends on the commitment of public and private institutions.

9. Thanks to the investment made by Guatemala in designing and approving a National Plan for the Prevention and Eradication of Child Labour and Protection of Teenage Workers, 2001-2004, pursuant to ILO Conventions Nos. 139 and 182, the demonstration programmes backed by IPEC since 1998 can serve as templates for their institutionalized adoption as a part of the public policy of the State.

10. The unifying nature of the sectoral policies on health, education, employment and legal protection set out in the National Plan, and information on the size and physical whereabouts of the working child population, allow them to be brought directly into play in the execution of poverty-alleviation policy.

11. In line with its strategic aims, IPEC has focused its national policy activities on four departments, 11 cities and 40 townships, and succeeded in including the topic of child labour in curriculum-review and professionalization-of-teaching exercises at the national level, and in the proposals for reform of the Labour Code, submitted in the main by civil society in accordance with ILO Conventions Nos. 138 and 182, which the National Congress adopted on 7 June 2001.

12. The involvement and commitment of the ILO managers have enabled the authorities to accept the programmes of action carried out at the departmental and municipal levels as inputs steering their efforts towards local development.

13. IPEC defined strategies on education, health and fresh employment options for all the programmes of action. The strategies are applied in the light of the specific circumstances associated with each of the problems addressed: coffee- and broccoli-growing, gravel-digging,

firework-making, sexual exploitation and domestic service. The programmes in Guatemala have boosted sectoral policies to improve the quality of education by employing the active method in primary-level public schools attended by over 14,864 working children, and giving over 300 schoolteachers technical training in this method.

14. In pursuit of the policy to increase coverage, IPEC and UNICEF have helped to ensure that the Ministry of Education gives priority to the awarding of over 8,000 scholarships to working children so that they can benefit from these programmes in 2002. They have also secured a commitment to increase the number of scholarships to 50,000 by the year 2004 as one component of the National Plan.

15. In health matters, the main contribution of IPEC has been to support the policy of local capacity-building for the delivery of health services; this has benefited over 32,184 mothers and children through vaccinations and dietary supplements and through intervention with the municipal authorities in support of environmental clean-up efforts.

16. As regards employment options, IPEC has made a contribution with its demonstration schemes to the design of the Guatemalan Government's poverty alleviation policy, making the eradication of child labour through the creation of employment opportunities for parents so as to get children out of the workplace a strategic focus. Its programmes of action have promoted community organization, in particular the creation of support groups involving over 1,000 mothers in income-generating activities if they can show that their children have gone to and remained at school and are gradually being withdrawn from paid employment. In the case of fathers, the tendency has been towards gaining technical skills including concepts such as "clusters" which are enabling them to increase their competitiveness, locally and nationally: one example is the firework-making workshop in San Juan Sacatepéquez.

17. The Ministry of Labour, the Unit for the Protection of Minors at Work, UNICEF and IPEC are together engaged in a monitoring exercise which allows them to empower local figures such as the community leaders and teachers running action programmes. The initial records serve as a starting point for measuring the quantitative impact of the programmes, and these are supplemented by qualitative assessments by the monitoring team which is intervening to change attitudes within the community.

18. The monitoring has accomplished a number of things:

(a) It has shown the scale of the problem of child labour in relation to community-level economic development;

(b) When a national or local authority grasps the extent of the problem, its political agenda and stance show the effects immediately;

(c) The programmes of action have made parents see the undesirable effects of child labour and their consequences for their children's overall development;

(d) With minimal opportunities to earn an income, parents do manage to keep their children at school. Conversely, access for teenagers to technical job training improves their outlook in competitive terms.

19. The National Plan for the Eradication of Child Labour and Protection of Teenage Workers, 2001-2004, provides a political framework for the application of ILO Conventions Nos. 138 and 182; IPEC needs to continue to provide active technical and financial backing to ensure that Guatemala can institutionalize the moves necessary to stamp out child labour, beginning with its worst forms. It must be understood that IPEC financial and technical cooperation will gradually decline as the policies set forth in the National Plan become entrenched.

20. Regarding dangerous occupations in which minors are employed, the Ministry of Labour's Department of Social Welfare has been made a part of the national network to abolish child labour in dangerous production activities.

21. The Ministry of Labour supports the call by the inter-institutional Commission on the manufacture, storage and marketing of rockets and fireworks for a regulatory survey on the production and storage of fireworks with a view to minimizing the clandestine operations in which large numbers of minors are currently employed.

22. The General Department of Social Welfare has become involved in coordinating and overseeing activities conducted by IPEC through the intermediary of non-governmental organizations in the cities where firework manufacture using child labour is most concentrated. The Ministry of Social Welfare's Unit for the Protection of Minors at Work is to be reorganized this year in order to provide better support for efforts associated with the National Plan for the Eradication of Child Labour.